

REVISED

**(Added an announcement and Item No. 5a;
moved Item No. 11 to Item No. 5b; and
revised Consent Agenda Item No. 6j)**

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, October 27, 2008

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

"Public Charge"

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.
 - The North Carolina Department of Transportation (NCDOT) will hold a citizens informational workshop for the proposed SR 1978 (Hopson Road) grade separation, the North Carolina Railroad/Norfolk Southern Track realignment, and the Church Street rail crossing closure and street extension on Thursday, October 30, 2008. It will be held from 5:00 p.m. to 7:00 p.m. at the Comfort Suites Hotel RTP/RDU in the Tarheel Room, located at 5219 Page Road, Durham 27703.
 - The remaining Early Voting schedule for Durham County is:

Tuesday, October 28	9am-5:30pm	all locations
Wednesday, October 29	9am-5:30pm	all locations
Thursday, October 30	9am-7:00pm	all locations (Extended hours)
Friday, October 31	9am-7:00pm	all locations (Extended hours)
Saturday, November 1	9am-1pm	all locations-- FINAL DAY

On Election Day, November 4, citizens may vote between the hours of 6:30 a.m. and 7:30 p.m.

- An Open House Reception celebrating the expansion and renovation of the Southwest Branch Library will be held on November 2, 2008 from 2:00 p.m. to 6:00 p.m. (County officials will speak at 3 p.m.)

4. **Minutes**

5 min.

October 6, 2008 Worksession

5. **Adoption Month Proclamation**

5 min.

National Adoption Awareness Month is a collective national effort to raise awareness of the 118,000 children in foster care waiting to find permanent, loving families. For the last seven years, National Adoption Month has made the dreams of thousands of children come true by working with courts, judges, attorneys, and advocates to finalize adoptions and find permanent, loving homes for children in foster care.

In North Carolina, there are more than 10,000 children in foster care, but not all of them are available for adoption. These children are in the custody of the local Department of Social Services because of abuse, neglect or because their parents voluntarily placed them for adoption. Most are in custody temporarily while social work professionals attempt to safely reunite them with their families or place them with relatives. Some may be adopted by foster parents. Approximately one-third of the children in foster care will be adopted. Court action to terminate parental rights is necessary before they are available for adoption.

In Durham County, there are more 253 children in foster care, and 17 children are available for adoption but are not currently in an adoptive placement.

The children most in need of safe, loving, permanent homes include those who are over age 10, are in sibling groups and do not want to be separated, minority children, and special needs children (those with medical, behavioral, emotional, or physical problems). Most foster children have special needs simply because they have undergone the trauma of abuse, neglect, and separation from their birth families. Some have physical disabilities and medical problems. Many children need to be placed with a sibling or siblings.

Resource Person(s): Janice Williams, Adoption Supervisor, and Jovetta Whitfield, Child Placement and Supportive Services Program Manager, Department of Social Services

County Manager's Recommendation: Recommend approval of proclamation declaring Adoption Month in Durham County and to raise community awareness of the many ways to support our children who are waiting for a loving, permanent family.

5a. **Proclamation for Hire-A-Veteran Month**

5 min.

The month of November has been declared Hire-A-Veteran Month in Durham County. Throughout our history, American armed forces have stood tall against tyranny, offering hope to the oppressed and securing the blessings of liberty for our

citizens. During the month of November, Durham County will honor the more than 17,000 veterans of Durham whose courageous services have preserved our freedoms.

Events will take place during the specified month of celebration. The North Carolina Employment Security Commission will kick-off Hire-A-Veteran month with a job fair on Wednesday, November 12. The job fair will begin at 11:30 a.m. at the Durham Marriott at the Civic Center.

County Manager's Recommendation: Approve the proclamation and present to Mr. Linzie Atkins, Veterans Employment Supervisor for the North Carolina Employment Security Commission.

5b. Adopt Durham County High Performance Building Resolution

10 min.

The Board is requested to adopt the High Performance Building Resolution.

Durham County is a leader in developing green buildings in North Carolina. Several of the County's existing buildings are Leadership in Energy and Environmental Design (LEED) certified by the US Green Building Council including the Triangle Waste Water Treatment Plant, East Regional Library, and North Regional Library. All new buildings under development are scheduled to achieve some level of LEED certification, including the new Human Services Building and the Justice Building. In order to reach the goals established in the Greenhouse Gas Reduction Plan and the Durham Comprehensive Plan, the County must continue its commitment to building and maintaining healthy, efficient, high-performing buildings. This policy solidifies the County's commitment to be a leader in green building development.

This policy was developed by the Engineering Department and General Services Department, in consultation with the Environmental Affairs Board Sustainability Committee. The Environmental Affairs Board voted to support this resolution on October 1, 2008.

Resource Person(s): Tobin L. Freid, Sustainability Manager, and Glen Whisler, P.E., County Engineer

County Manager's Recommendation: The Manager's recommendation is that the Board adopt the High Performance Building Resolution.

6. Consent Agenda

15 min.

- a. **Property Tax Releases and Refunds for Fiscal Year 2008-2009 (accept the property tax release and refund report for September 2008 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);**
- b. **Approve the Request for Funds Designated for Other Post Employment Benefits;**

- c. Budget Ordinance Amendment No. 09BCC000018—Public Health—Recognize Aid to County Funds in the amount of \$38,482 from the N.C. Department of Health and Human Services for operational expenses for the Document Management Project.
- d. Budget Ordinance Amendment No. 09BCC000019—Public Health—Recognize Grant Revenue in the amount of \$5,727 from N.C. Department of Health and Human Services for the Local Healthy Carolinians Initiative, The Partnership for a Healthy Durham;
- e. Budget Ordinance Amendment No. 09BCC000020—Public Health—Recognize \$6,245 in Additional Funding from the North Carolina Teenage Pregnancy Prevention Initiative to support Plain Talk, a pregnancy prevention program;
- f. Budget Ordinance Amendment No. 09BCC000021—Public Health—Recognize One-Time Funds in the amount of \$15,000 from N.C. Department of Health and Human Services to Support a Syphilis Elimination Media Campaign in the Division of Health Education;
- g. Budget Ordinance Amendment No. 09BCC000022—Public Health—Recognize One-Time Temporary Aid to Needy Families (TANF) Out-of-Wedlock Funds in the amount of \$20,003 from the N.C. Department of Health and Human Services to Support the Family Planning Program to purchase contraceptive supplies;
- h. Budget Ordinance Amendment No. 09BCC000024—Appropriate Reserved Funds for the Tax Department, Sheriff's Office, Fire Marshall, Cooperative Extension, DSS, and Mental Health (appropriate reserved fund balance [e.g., previously classified in prior years as deferred revenue] in the amount \$2,242,332);
- i. Budget Ordinance Amendment No. 09BCC000025—Appropriate Unexpended Grant Funds for Cooperative Extension's Strong Couples Strong Children Grant in the amount of \$25,551;
- j. Standard Non-Reimbursable Utility Contract for the Extension of the County Sanitary Sewer System (execute the Utility Contracts for the additions to the County sanitary sewer system);
- k. Durham Public Schools Lighting Projects at Northern and Hillside High Schools (approve the assignment of design contracts with Spring Stoops McCullen Engineering, PA, and approve the owner/contractor agreements with C.W. Electric Co. Inc. for lighting work at Hillside and Northern High School in the amounts of \$173,075.00 and \$302,000; authorize the Manager to execute the agreements);
- l. Durham Public Schools Projects at Jordan High and Carrington Middle School (approve the Owner/Engineer contract with Coulter Jewel Thames in an amount not to exceed \$93,080.00; approve the Design Consultant contract with Bute, PLLC for work at Carrington Middle School in an amount not to exceed \$230,100.00; and authorize the County Manager to execute the contracts);
- m. Final Work First Block Grant Plan for 2009-2011 (approve the final draft of the plan);
- n. Annual Report for the Durham Board of Adjustment (accept the Durham Board of Adjustment Annual Report for FY 07-08);
- o. RFID Tags Purchase and RFID Conversion Stations Rental for Main, Southwest, and South (Parkwood) Libraries (approve as requested); and
- p. Little River Uplands Open Space Clean Water Management Trust Fund Grant Agreement (execute the CWMTF Grant Agreement, and approve the conveyance of conservation easements to the State of North Carolina on the Lee property).

7. **Public Hearing on Coordinated Transportation FY 2008-2009 Rural Operating Assistance Program (ROAP) Grant**

15 min.

The Cooperative Extension Service is requesting the Board to hold a public hearing on the Rural Operating Assistance Program (ROAP) application submitted to the North Carolina Department of Transportation on August 27, 2008.

The Board held a public hearing and approved the submittal of the grant during the August 25, 2008 Regular Session. The application has been received, reviewed, and approved by NCDOT pending having another public hearing. The initial public hearing notice was published in July for the August 11, 2008 BOCC meeting. When the item was moved to a later meeting, it was published again in August for the August 25, 2008 BOCC meeting. The official length of notice requirement of 14 days was not met by the August 25, 2008 BOCC meeting; hence, we are required to hold another public hearing to receive the funds.

The ROAP grant consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public Program, and the Work First/Employment Program into a single application package. EDTAP provides for assistance in the transportation of the elderly and disabled. Work First/Employment Program is intended to provide operating assistance for transitional Work First. The Rural General Public funds will be used to supplement existing routes that currently serve the county.

The application proposes \$95,653 of governmental revenue to be allocated to support coordinated transportation for Durham County Elderly and Disabled residents through the Elderly and Disabled Transportation Assistance Program (EDTAP) and \$11,065 for Work First Transitional/Employment. These funds **require no Local match**. The \$95,245 represents an increase of \$408 from last year's allocation.

The \$43,508 for Rural General Public Transportation (RGP) requires a 10% local match. The majority of the local match is recouped through fares and the remaining match has been budgeted. These programs help support the transportation needs of citizens residing in the County. The program is administered by Cooperative Extension and Coordinated Transportation.

The NCDOT annually allocates funds for EDTAP, RGP, and Work First. Durham County will receive \$150,226 for FY 2008-2009.

EDTAP Funds shall be used to provide services for the noted agencies:

Council of Senior Citizens
Dept. of Social Services (Adult)
Durham Exchange Club Industries
Retired and Senior Volunteer Program
Services for the Blind
Durham Parks and Recreation
The ARC of Durham

Additionally, Durham County has applied for the maximum amount of supplemental ROAP funding from NCDOT.

- EDTAP \$56,162
- Work First \$8,851
- RGP \$22,818

The \$22,818 for Rural General Public Transportation (RGP) requires a 10% local match. The majority of the local match is recouped through fares and the remaining match has been budgeted. These funds will be used for expanded service.

Durham County is applying for a total of \$87,831 in supplemental ROAP funds for FY 2008-2009.

Resource Person(s): Delphine Sellars, Cooperative Extension Director, and Johnny Ford, Transportation Access Coordinator

County Manager's Recommendation: Hold the public hearing.

8. **Public Hearing—Zoning Map Change—1521 Mineral Springs Road (Z0800002)**

10 min.

To approve a request for a zoning map change for a 4.14 acre site located on the east side of South Mineral Springs Road, south of Delmar Drive. Request: RR and RS-20; F/J-B to PDR 4.000; F/J-B

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

Staff Recommendation: Staff recommends approval, based on consistency with the Comprehensive Plan, and considering the information provided in this report.

Planning Commission Recommendation and Vote: Approval with additional committed elements, 11-2 on September 9, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and an additional committed elements proffered by the applicant at the meeting.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Amy Wolff, Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

9. **Public Hearing—Zoning Map Change – Pleasant Grove Church Road Warehouse (Z0800025)**

10 min.

To approve a request for a zoning map change for a 3.57 acre site located on the east side of Page Road, north of Comstock Road, west of I-540 and west of the Wake County line

Request: Residential Rural (RR) to Industrial Light (IL)

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the *Comprehensive Plan* and is reasonable and in the public interest in light of information presented in the public hearing and in the agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Commissioners adopt as support for their actions on the proposed zoning map change the determination that, notwithstanding its consistency with the *Comprehensive Plan*, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the agenda materials.

Staff Recommendation: Staff recommends approval, based on consistency with the Comprehensive Plan and considering the information provided in this report.

Planning Commission Recommendation and Vote: Approval, 13-0 on September 9, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.

Resource Person(s): Steven L. Medlin, AICP, City-County Planning Director, and Gail Sherron, Senior Planner

County Manager's Recommendation: The Manager recommends that the Board conduct a public hearing on the proposed zoning map change and approve it, if appropriate, based on the comments received.

10. **Public Hearing for Close-out of the 2002 CDBG Scattered Site housing Program Grant**

10 min.

In 2002 the County of Durham received a \$400,000 grant from the Department of Commerce – Division of Community Assistance to rehabilitate housing in the unincorporated areas of Durham County. With this allocation, the County's administrator Leah Consulting Group rehabilitated 13 properties. The grant funds were designated to repair homes of Durham County for residents whose income was at or

below 50 percent of the area median income. In addition to the original \$400,000 allocation, the State awarded another \$176,940.73 to repair the Gentry property. In total, the County expended \$518,008.12 of the \$576,940.73 that was allocated.

At the conclusion of the activities, the County is required by the State to hold a Public hearing to review the budget and activities that have been accomplished through the 2002 CDBG Scattered Site Housing grant and any amendments. After six years, the activities are complete. The administrator of the program, Mr. Brian Crawford of Leah Consulting Group, will discuss the final results of the 2002 CDBG Scattered Site Housing Program and the close-out documents.

Resource Person(s): Brian Crawford, President of Leah Consulting Group

County Manager's Recommendation: The Manager's recommendation is that the Board hold a public hearing and receive the closeout report for the 2002 CDBG Scattered Site Housing Program in order to proceed with the grant close-out process.

11. Left Blank Intentionally

12. **2011-2017 Transportation Improvement Program (TIP) Local Priority List**

30 min.

Adopt the "Resolution to Endorse the Durham County Project Priority List for the FY 2011-2017 Transportation Improvement Program".

The N.C. Department of Transportation (NCDOT) and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) mutually adopt a seven-year Transportation Improvement Program (TIP). The TIP is a program of transportation capital and operating assistance projects to be implemented in the next seven years with the use of federal and state funds. The TIP is traditionally updated every two years. The Administration prepares and recommends an update to the list of transportation priority projects to be submitted to the MPO and State for consideration in the development of the next TIP. The DCHC MPO and the State recently approved the FY 2009-2015 TIP and have begun development of the FY 2011-2017 TIP.

Resource Person(s): Ellen Beckmann, Transportation Planner, DCHC MPO

County Manager's Recommendation: The Manager recommends that the Board review the Transportation Improvement Program Local Priority List and adopt the Resolution to Endorse the Durham County Project Priority List for the FY 2001-2017 Transportation Improvement Program.

13. **Board and Commission Appointments**

10 min.

Vonda Sessoms, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards and commissions:

- Animal Control Review Board
- Durham Convention & Visitors Bureau/Tourism Development Authority
- Farmland Protection Advisory Board
- Historic Preservation Commission
- Library Board of Trustees
- Nursing Home Community Advisory Committee
- Transportation Advisory Board
- Workforce Development Board

Resource Person(s): Vonda Sessoms

County Manager's Recommendation:

The County Manager recommends that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

2 hrs. 20 min.